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**From:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Sent:** 11/5/2020 4:33:54 PM  
**To:** Hicks, Matt [Hicks.Matthew@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]  
**CC:** Creswell, Michael [Creswell.Michael@epa.gov]  
**Subject:** RE: FL Assumption - draft PA  
**Attachments:** Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20(11-03-20) sak.docx

Sorry about that!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Sent:** Thursday, November 5, 2020 11:31 AM  
**To:** Siegal, Tod <Siegal.Tod@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Creswell, Michael <Creswell.Michael@epa.gov>  
**Subject:** RE: FL Assumption - draft PA

Thanks Tod and Simma. Simma, can you resend your minor suggested tweaks because it doesn't look like the file was attached? FYI that Jeananne reported out that we did receive direction from Dave on the PA:

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## Ex. 5 Deliberative Process (DP)

Once Simma sends me her suggested tweaks I'll revise the PA consistent with Dave's direction and send a new version out for your quick review. I don't think we'll need a call to go over but please let me know if you think otherwise.

Thanks,

Matt

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**From:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Sent:** Thursday, November 5, 2020 10:39 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>  
**Cc:** Creswell, Michael <Creswell.Michael@epa.gov>  
**Subject:** RE: FL Assumption - draft PA

I don't have any comments. Before sending up the chain, I suggest cleaning up/deleting any unnecessary bubble comments (in particular, I assume you can delete the bubble attached to the Termination section that has the draft language you were considering). Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Thursday, November 05, 2020 10:23 AM  
**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Cc:** Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>  
**Subject:** RE: FL Assumption - draft PA

Here are just a few minor suggested tweaks. Thanks for your attention.

Simma Kupchan  
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**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Sent:** Thursday, November 5, 2020 7:23 AM  
**To:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>  
**Subject:** FW: FL Assumption - draft PA

Tod and Simma,

Just checking in to see if you had any comments/changes on the attached version? Also, curious if either of you heard how Dave's meeting with the ACHP went yesterday? Assuming we haven't received any direction from Dave following his meeting, I recommend us sending this version up through our respective managements so that we can get it into the hands of Dave, David, and Mary asap.

Thanks,

Matt

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**From:** Hicks, Matt  
**Sent:** Tuesday, November 3, 2020 10:03 PM  
**To:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>  
**Subject:** RE: FL Assumption - draft PA

Tod and Simma,

I realize Dave is meeting with the ACHP tomorrow and that we will likely receive more direction from him following the meeting but I wanted to send you an updated version of the draft PA that hopefully captures what we discussed this afternoon at 1:00 and the input we received from Dave on our 2:00 bi-weekly.

Thanks,

Matt

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**From:** Hicks, Matt  
**Sent:** Tuesday, November 3, 2020 8:19 AM  
**To:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Cc:** Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>

**Subject:** RE: FL Assumption - draft PA

Thanks Tod. See my initial responses below in blue. It looks like the earliest you, Simma, and I can talk is 12:30 this afternoon (Michael is on leave today). I'll send a scheduler out in a moment.

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**From:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>

**Sent:** Monday, November 2, 2020 11:50 PM

**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Cc:** Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>

**Subject:** RE: FL Assumption - draft PA

Thanks Matt. I took a look. I had a few thoughts/questions (listed below) on the final section re: termination. It might be worth discussing for a few minutes. I'm available after 10:00 on Tuesday, if that works for you and others.

# Ex. 5 AC/DP

Tod Siegal  
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**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>

**Sent:** Monday, November 02, 2020 11:09 PM

**To:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Cc:** Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>

**Subject:** FL Assumption - draft PA

Tod and Simma,

See attached the ACHP's latest version of the draft PA with ORC's comments/edits. For some reason, the document would not let me track ORC's changes separate from ACHP's. As a result, I have comments indicating which edits are ORC's. Sorry for any confusion.

We're hoping you can take a look before tomorrow's 2pm bi-weekly with Dave Ross.

Thanks,

Matt